



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 465 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.114-2012,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2015]: Sec. 5. The following definitions apply to the
- 6 construction of all Indiana statutes, unless the construction is plainly
- 7 repugnant to the intent of the general assembly or of the context of the
- 8 statute:
- 9 (1) "Adult", "of full age", and ~~"person in his~~ "age of majority"
- 10 ~~mean refer to~~ a person at least eighteen (18) years of age.
- 11 (2) "Attorney" includes a counselor or other person authorized to
- 12 appear and represent a party in an action or special proceeding.
- 13 (3) "Autism" means a neurological condition as described in the
- 14 most recent edition of the Diagnostic and Statistical Manual of
- 15 Mental Disorders of the American Psychiatric Association.
- 16 (4) "Bond" does not necessarily imply a seal.
- 17 (5) "Clerk" means the clerk of the court or a person authorized to
- 18 perform the clerk's duties.
- 19 **(6) "Gender identity" means an individual's self identification**
- 20 **as a male or a female, regardless of the individual's biological**
- 21 **sex.**

~~(6)~~ (7) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

~~(7)~~ (8) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

~~(8)~~ (9) "Infant" or "minor" means a person less than eighteen (18) years of age.

~~(9)~~ (10) "Inhabitant" may be construed to mean a resident in any place.

~~(10)~~ (11) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

~~(11)~~ (12) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

~~(12)~~ (13) "Mentally incompetent" means of unsound mind.

~~(13)~~ (14) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

~~(14)~~ (15) "Month" means a calendar month, unless otherwise expressed.

~~(15)~~ (16) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

~~(16)~~ (17) "Oath" includes "affirmation", and "to swear" includes to "affirm".

~~(17)~~ (18) "Person" extends to bodies politic and corporate.

~~(18)~~ (19) "Personal property" includes goods, chattels, evidences of debt, and things in action.

~~(19)~~ (20) "Population" has the meaning set forth in IC 1-1-3.5-3.

~~(20)~~ (21) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

~~(21)~~ (22) "Property" includes personal and real property.

~~(22)~~ (23) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(23)~~ (24) "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ (25) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ (26) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ (27) "Will" includes a testament and codicil.

~~(27)~~ (28) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ (29) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ (30) "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ (31) The definitions in IC 35-31.5 apply to all statutes relating to penal offenses."

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 3. IC 4-15-2.2-12, AS ADDED BY P.L.229-2011, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This chapter shall be liberally construed so as to increase governmental efficiency and responsiveness and to ensure the employment of qualified persons in the state classified service on the basis of the following merit principles:

(1) Recruitment, selection, and promotion of employees on the basis of an individual's relative ability, knowledge, and skills.

(2) The provision of equitable and adequate compensation.

(3) The training of employees to ensure high quality performance.

(4) The retention of employees based on:

(A) the quality of the employees' performance; and

(B) the correction of inadequate performance;

and the dismissal of employees whose inadequate performance is not corrected.

(5) Fair treatment of applicants and employees in all aspects of personnel administration:

(A) without regard to political affiliation, race, color, national origin, gender, **sexual orientation, gender identity**, religious creed, age, or disability; and

(B) with proper regard for the applicants' and employees' privacy and constitutional rights as citizens.

(6) Protection of employees from coercion for partisan political purposes, and prohibition on an employee using the employee's official authority to interfere with, or affect the result of, an election or nomination for political office.

(b) All employment matters in the state classified service are guided by the merit principles set forth in subsection (a).

(c) The personnel administration systems adopted under this chapter govern and limit all other state employment matters and every appointing authority.

(d) This chapter is exempt from IC 34-13-9.

SECTION 4. IC 4-15-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** The state is committed to an affirmative action policy that includes the establishment of employment policies and conditions that ensure the elimination of underutilization of qualified members of affected classes and the elimination of discrimination on the basis of race, ~~or~~ color, religion, national origin, ~~or~~ ancestry, age, sex, **sexual orientation, gender identity**, and disability.

(b) This chapter is exempt from IC 34-13-9.

SECTION 5. IC 5-2-1-9, AS AMENDED BY P.L.164-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, **sexual orientation, gender identity**, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete

in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30,

1 1993.

2 (c) Military leave or other authorized leave of absence from law
3 enforcement duty during the first year of employment after July 6,
4 1972, shall toll the running of the first year, which shall be calculated
5 by the aggregate of the time before and after the leave, for the purposes
6 of this chapter.

7 (d) Except as provided in subsections (e), (l), (r), and (s), a law
8 enforcement officer appointed to a law enforcement department or
9 agency after June 30, 1993, may not:

- 10 (1) make an arrest;
11 (2) conduct a search or a seizure of a person or property; or
12 (3) carry a firearm;

13 unless the law enforcement officer successfully completes, at a board
14 certified law enforcement academy or at a law enforcement training
15 center under section 10.5 or 15.2 of this chapter, the basic training
16 requirements established by the board under this chapter.

17 (e) This subsection does not apply to:

18 (1) a gaming agent employed as a law enforcement officer by the
19 Indiana gaming commission; or

20 (2) an:

21 (A) attorney; or

22 (B) investigator;

23 designated by the securities commissioner as a police officer of
24 the state under IC 23-19-6-1(k).

25 Before a law enforcement officer appointed after June 30, 1993,
26 completes the basic training requirements, the law enforcement officer
27 may exercise the police powers described in subsection (d) if the
28 officer successfully completes the pre-basic course established in
29 subsection (f). Successful completion of the pre-basic course authorizes
30 a law enforcement officer to exercise the police powers described in
31 subsection (d) for one (1) year after the date the law enforcement
32 officer is appointed.

33 (f) The board shall adopt rules under IC 4-22-2 to establish a
34 pre-basic course for the purpose of training:

- 35 (1) law enforcement officers;
36 (2) police reserve officers (as described in IC 36-8-3-20); and
37 (3) conservation reserve officers (as described in IC 14-9-8-27);

38 regarding the subjects of arrest, search and seizure, the lawful use of
39 force, interacting with individuals with autism, and the operation of an
40 emergency vehicle. The pre-basic course must be offered on a periodic
41 basis throughout the year at regional sites statewide. The pre-basic
42 course must consist of at least forty (40) hours of course work. The
43 board may prepare the classroom part of the pre-basic course using
44 available technology in conjunction with live instruction. The board
45 shall provide the course material, the instructors, and the facilities at
46 the regional sites throughout the state that are used for the pre-basic

1 course. In addition, the board may certify pre-basic courses that may be
2 conducted by other public or private training entities, including
3 postsecondary educational institutions.

4 (g) The board shall adopt rules under IC 4-22-2 to establish a
5 mandatory inservice training program for police officers. After June 30,
6 1993, a law enforcement officer who has satisfactorily completed basic
7 training and has been appointed to a law enforcement department or
8 agency on either a full-time or part-time basis is not eligible for
9 continued employment unless the officer satisfactorily completes the
10 mandatory inservice training requirements established by rules adopted
11 by the board. Inservice training must include training in interacting
12 with persons with mental illness, addictive disorders, mental
13 retardation, autism, developmental disabilities, and Alzheimer's disease
14 or related senile dementia, to be provided by persons approved by the
15 secretary of family and social services and the board, and training
16 concerning human and sexual trafficking and high risk missing persons
17 (as defined in IC 5-2-17-1). The board may approve courses offered by
18 other public or private training entities, including postsecondary
19 educational institutions, as necessary in order to ensure the availability
20 of an adequate number of inservice training programs. The board may
21 waive an officer's inservice training requirements if the board
22 determines that the officer's reason for lacking the required amount of
23 inservice training hours is due to either of the following:

24 (1) An emergency situation.

25 (2) The unavailability of courses.

26 (h) The board shall also adopt rules establishing a town marshal
27 basic training program, subject to the following:

28 (1) The program must require fewer hours of instruction and class
29 attendance and fewer courses of study than are required for the
30 mandated basic training program.

31 (2) Certain parts of the course materials may be studied by a
32 candidate at the candidate's home in order to fulfill requirements
33 of the program.

34 (3) Law enforcement officers successfully completing the
35 requirements of the program are eligible for appointment only in
36 towns employing the town marshal system (IC 36-5-7) and having
37 not more than one (1) marshal and two (2) deputies.

38 (4) The limitation imposed by subdivision (3) does not apply to an
39 officer who has successfully completed the mandated basic
40 training program.

41 (5) The time limitations imposed by subsections (b) and (c) for
42 completing the training are also applicable to the town marshal
43 basic training program.

44 (6) The program must require training in interacting with
45 individuals with autism.

46 (i) The board shall adopt rules under IC 4-22-2 to establish an

executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at

1 least two (2) years and less than six (6) years before the officer is
 2 hired under subdivision (1) due to the officer's resignation or
 3 retirement; and

4 (3) completed at any time a basic training course certified by the
 5 board before the officer is hired under subdivision (1).

6 (o) The board shall adopt rules under IC 4-22-2 to establish a
 7 refresher course for an officer who:

8 (1) is hired by an Indiana law enforcement department or agency
 9 as a law enforcement officer;

10 (2) has not been employed as a law enforcement officer for at
 11 least six (6) years and less than ten (10) years before the officer
 12 is hired under subdivision (1) due to the officer's resignation or
 13 retirement;

14 (3) is hired under subdivision (1) in an upper level policymaking
 15 position; and

16 (4) completed at any time a basic training course certified by the
 17 board before the officer is hired under subdivision (1).

18 A refresher course established under this subsection may not exceed
 19 one hundred twenty (120) hours of course work. All credit hours
 20 received for successfully completing the police chief executive training
 21 program under subsection (i) shall be applied toward the refresher
 22 course credit hour requirements.

23 (p) Subject to subsection (q), an officer to whom subsection (n) or
 24 (o) applies must successfully complete the refresher course described
 25 in subsection (n) or (o) not later than six (6) months after the officer's
 26 date of hire, or the officer loses the officer's powers of:

27 (1) arrest;

28 (2) search; and

29 (3) seizure.

30 (q) A law enforcement officer who has worked as a law enforcement
 31 officer for less than twenty-five (25) years before being hired under
 32 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
 33 described in subsection (n) or (o) and must repeat the full basic training
 34 course to regain law enforcement powers. However, a law enforcement
 35 officer who has worked as a law enforcement officer for at least
 36 twenty-five (25) years before being hired under subsection (n)(1) or
 37 (o)(1) and who otherwise satisfies the requirements of subsection (n)
 38 or (o) is not required to repeat the full basic training course to regain
 39 law enforcement power but shall attend the refresher course described
 40 in subsection (n) or (o) and the pre-basic training course established
 41 under subsection (f).

42 (r) This subsection applies only to a gaming agent employed as a
 43 law enforcement officer by the Indiana gaming commission. A gaming
 44 agent appointed after June 30, 2005, may exercise the police powers
 45 described in subsection (d) if:

46 (1) the agent successfully completes the pre-basic course

1 established in subsection (f); and

2 (2) the agent successfully completes any other training courses
3 established by the Indiana gaming commission in conjunction
4 with the board.

5 (s) This subsection applies only to a securities enforcement officer
6 designated as a law enforcement officer by the securities
7 commissioner. A securities enforcement officer may exercise the police
8 powers described in subsection (d) if:

9 (1) the securities enforcement officer successfully completes the
10 pre-basic course established in subsection (f); and

11 (2) the securities enforcement officer successfully completes any
12 other training courses established by the securities commissioner
13 in conjunction with the board.

14 (t) As used in this section, "upper level policymaking position"
15 refers to the following:

16 (1) If the authorized size of the department or town marshal
17 system is not more than ten (10) members, the term refers to the
18 position held by the police chief or town marshal.

19 (2) If the authorized size of the department or town marshal
20 system is more than ten (10) members but less than fifty-one (51)
21 members, the term refers to:

22 (A) the position held by the police chief or town marshal; and

23 (B) each position held by the members of the police
24 department or town marshal system in the next rank and pay
25 grade immediately below the police chief or town marshal.

26 (3) If the authorized size of the department or town marshal
27 system is more than fifty (50) members, the term refers to:

28 (A) the position held by the police chief or town marshal; and

29 (B) each position held by the members of the police
30 department or town marshal system in the next two (2) ranks
31 and pay grades immediately below the police chief or town
32 marshal.

33 (u) This subsection applies only to a correctional police officer
34 employed by the department of correction. A correctional police officer
35 may exercise the police powers described in subsection (d) if:

36 (1) the officer successfully completes the pre-basic course
37 described in subsection (f); and

38 (2) the officer successfully completes any other training courses
39 established by the department of correction in conjunction with
40 the board.

41 **(v) This section is exempt from IC 34-13-9.**

42 SECTION 6. IC 5-2-8-1, AS AMENDED BY P.L.164-2014,
43 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2015]: Sec. 1. (a) The following definitions apply in this
45 section:

46 (1) "Abuse" means:

- 1 (A) conduct that causes bodily injury (as defined in
- 2 IC 35-31.5-2-29) or damage to property; or
- 3 (B) a threat of conduct that would cause bodily injury (as
- 4 defined in IC 35-31.5-2-29) or damage to property.
- 5 (2) "County law enforcement agency" includes:
- 6 (A) postsecondary educational institution police officers
- 7 appointed under IC 21-17-5 or IC 21-39-4; and
- 8 (B) school corporation police officers appointed under
- 9 IC 20-26-16.
- 10 (b) There is established in each county a county law enforcement
- 11 continuing education program. The program is funded by amounts
- 12 appropriated under IC 33-37-8-4 or IC 33-37-8-6.
- 13 (c) A county law enforcement agency receiving amounts based upon
- 14 claims for law enforcement continuing education funds under
- 15 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
- 16 county law enforcement continuing education fund.
- 17 (d) Distribution of money in the county law enforcement continuing
- 18 education fund shall be made to a county law enforcement agency
- 19 without the necessity of first obtaining an appropriation from the
- 20 county fiscal body.
- 21 (e) Money in excess of one hundred dollars (\$100) that is
- 22 unencumbered and remains in a county law enforcement continuing
- 23 education fund for at least one (1) entire calendar year from the date of
- 24 its deposit shall, at the end of a county's fiscal year, be deposited by the
- 25 county auditor in the law enforcement training fund established under
- 26 IC 5-2-1-13(b).
- 27 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
- 28 shall submit to the fiscal body a verified statement of cause numbers
- 29 for fees collected that are attributable to the law enforcement efforts of
- 30 that agency.
- 31 (g) A law enforcement agency shall submit a claim for fees under
- 32 this section in the same county fiscal year in which the fees are
- 33 collected under IC 33-37-4.
- 34 (h) A county law enforcement agency program shall provide to each
- 35 law enforcement officer employed by the county and may provide to
- 36 each law enforcement officer employed by a city or town law
- 37 enforcement agency within the county continuing education concerning
- 38 the following:
- 39 (1) Duties of a law enforcement officer in enforcing restraining
- 40 orders, protective orders, temporary injunctions, and permanent
- 41 injunctions involving abuse.
- 42 (2) Guidelines for making felony and misdemeanor arrests in
- 43 cases involving abuse.
- 44 (3) Techniques for handling incidents of abuse that:
- 45 (A) minimize the likelihood of injury to the law enforcement
- 46 officer; and

- 1 (B) promote the safety of a victim.
- 2 (4) Information about the nature and extent of abuse.
- 3 (5) Information about the legal rights of and remedies available
- 4 to victims of abuse, including the U nonimmigrant visa created
- 5 under the federal Victims of Trafficking and Violence Protection
- 6 Act of 2000 (P.L. 106-386).
- 7 (6) How to document and collect evidence in an abuse case.
- 8 (7) The legal consequences of abuse.
- 9 (8) The impact on children of law enforcement intervention in
- 10 abuse cases.
- 11 (9) Services and facilities available to victims of abuse and
- 12 abusers.
- 13 (10) Verification of restraining orders, protective orders,
- 14 temporary injunctions, and permanent injunctions.
- 15 (11) Policies concerning arrest or release of suspects in abuse
- 16 cases.
- 17 (12) Emergency assistance to victims of abuse and criminal
- 18 justice options for victims of abuse.
- 19 (13) Landlord-tenant concerns in abuse cases.
- 20 (14) The taking of an abused child into protective custody.
- 21 (15) Assessment of a situation in which a child may be seriously
- 22 endangered if the child is left in the child's home.
- 23 (16) Assessment of a situation involving an endangered adult (as
- 24 defined in IC 12-10-3-2).
- 25 (17) Response to a sudden, unexpected infant death.
- 26 (18) Performing cardiopulmonary resuscitation and the Heimlich
- 27 maneuver.
- 28 (19) Cultural diversity awareness that includes an understanding
- 29 of cultural issues related to race, religion, gender, **sexual**
- 30 **orientation, gender identity**, age, domestic violence, national
- 31 origin, and physical and mental disabilities.
- 32 (i) A county law enforcement agency may enter into an agreement
- 33 with other law enforcement agencies to provide the continuing
- 34 education required by this section and section 2(f) of this chapter.
- 35 **(j) This section is exempt from IC 34-13-9.**
- 36 SECTION 7. IC 5-2-18.2-8, AS ADDED BY P.L.171-2011,
- 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 8. **(a)** This chapter shall be enforced without
- 39 regard to race, religion, gender, **sexual orientation, gender identity,**
- 40 **age, ethnicity, or national origin.**
- 41 **(b) This chapter is exempt from IC 34-13-9.**
- 42 SECTION 8. IC 5-16-6-1 IS AMENDED TO READ AS FOLLOWS
- 43 [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** Every contract for or on
- 44 behalf of the state of Indiana or any of the municipal corporations
- 45 thereof, for the construction, alteration, or repair of any public building
- 46 or public work in the state of Indiana shall contain provisions by which

the contractor agrees:

(a) (1) that in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, or subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, religion, color, sex, **sexual orientation, gender identity**, national origin, **age, disability**, or ancestry, discriminate against any citizen of the state of Indiana who is qualified and available to perform the work to which the employment relates;

(b) (2) that no contractor, subcontractor, nor any person on his behalf **of the contractor or the subcontractor** shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, religion, color, sex, **sexual orientation, gender identity**, national origin, **age, disability**, or ancestry;

(c) (3) that there may be deducted from the amount payable to the contractor by the state of Indiana or by any municipal corporation thereof, under this contract, a penalty of five dollars (~~\$5.00~~) (**\$5**) for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and

(d) (4) that this contract may be ~~cancelled~~ **canceled** or terminated by the state of Indiana or by any municipal corporation thereof, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract.

(b) This section is exempt from IC 34-13-9.

SECTION 9. IC 5-28-21-7, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A political subdivision (as defined in IC 36-1-2-13), a nonprofit organization, or a for-profit organization may submit an application to the corporation to obtain a grant, loan, or loan guarantee to establish a small business incubator. The application must:

- (1) describe the facility that is to be converted to an incubator;
- (2) specify the cost of the conversion;
- (3) demonstrate the ability of the applicant to directly provide or arrange for the provision of business development services (including financial consulting assistance, management and marketing assistance, and physical services) for tenants of the incubator;
- (4) demonstrate a potential for sustained use of the incubator by eligible tenants through a market study or other means;
- (5) demonstrate the ability of the applicant to operate the incubator in accordance with section 19 of this chapter;
- (6) state that the applicant will not discriminate against an employee or applicant for employment on the basis of race,

religion, color, national origin, **ancestry**, sex, **sexual orientation**,
gender identity, **disability**, or age; and

(7) include any other information required by the corporation.

(b) This section is exempt from IC 34-13-9.

SECTION 10. IC 7.1-3-1.6-12, AS ADDED BY P.L.269-2013,
 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2015]: Sec. 12. **(a)** A provider of a server program under this
 chapter must be willing to accept onsite audits by the commission and
 perform onsite audits as the commission considers necessary. An onsite
 audit may review the following:

(1) The self-generated program audit described in section 11 of
 this chapter.

(2) The number of Indiana server certificates that have been
 issued by the program provider.

(3) The measures taken by the program provider for the protection
 of test questions.

(4) The procedures of the program provider for scoring tests.

(5) The size of the item bank from which the test questions are
 taken.

(6) The methodology used to translate the course and test into
 multiple languages and the qualifications of the individuals
 performing the translation.

(7) The integrity of the course data generated and stored by the
 program provider.

(8) The program provider's data handling, reporting, and
 archiving capacities, policies, and procedures.

(9) The availability and credentials of individuals providing
 qualified assistance to participants who have questions regarding
 course content and instructional materials.

(10) The program provider's policies and procedures for
 addressing participants' questions.

(11) The program provider's procedures to ensure that participants
 are not discriminated against due to age, sex, race, religion, ethnic
 origin, disability, **sexual orientation**, **gender identity**, or marital
 status.

(b) This section is exempt from IC 34-13-9.

SECTION 11. IC 7.1-3-4-7 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Notwithstanding
 any other law, a beer retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's
 facilities and services in return for payment of an annual fee to the
 retailer.

(2) Guests of a person described in subdivision (1).

(b) A beer retailer may call the annual fee described in subsection
 (a) a membership fee.

(c) A beer retailer may call the retailer's premises a club. However,

the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a beer retailer to discriminate among persons on the basis of race, sex, age, **sexual orientation, gender identity, national origin, ancestry, disability**, or religion when selecting persons to have access to the retailer's facilities and services.

(e) This section is exempt from IC 34-13-9.

SECTION 12. IC 7.1-3-9-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9.5. (a) Notwithstanding any other law, a liquor retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A liquor retailer may call the annual fee described in subsection (a) a membership fee.

(c) A liquor retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a liquor retailer to discriminate among persons on the basis of race, sex, **sexual orientation, gender identity**, age, **national origin, ancestry, disability**, or religion when selecting persons to have access to the retailer's facilities and services.

(e) This section is exempt from IC 34-13-9.

SECTION 13. IC 7.1-3-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Notwithstanding any other law, a wine retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A wine retailer may call the annual fee described in subsection (a) a membership fee.

(c) A wine retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a wine retailer to discriminate among persons on the basis of race, sex, **sexual orientation, gender identity**, age, **national origin, ancestry, disability**, or religion when selecting persons to have access to the retailer's facilities and services.

(e) This section is exempt from IC 34-13-9.

SECTION 14. IC 8-24-8-7, AS ADDED BY P.L.182-2009(ss), SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) All employees of the district:

(1) shall be employed solely on the basis of ability, taking into account their qualifications to perform the duties of their positions;

(2) shall be employed regardless of political affiliation;

(3) may not be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of their political affiliation, race, religion, color, sex, national origin, **sexual orientation, gender identity, age**, or ancestry;

(4) are ineligible to hold, or be a candidate for, elected office (as defined in IC 3-5-2-17) while employed by the district;

(5) may not solicit or receive political contributions;

(6) may not be required to make contributions for or participate in political activities;

(7) shall be employed on a six (6) month probationary period, with a written evaluation prepared after five (5) months of service by their immediate supervisor for the executive director to determine if employment should continue beyond the probationary period; and

(8) shall be evaluated annually in writing by their immediate supervisor to advise the executive director as to whether the employees should remain in their positions.

(b) This section is exempt from IC 34-13-9.

SECTION 15. IC 10-13-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "bias crime" means an offense in which the person who commits the offense knowingly or intentionally:

(1) selected the person who was injured; or

(2) damaged or otherwise affected property;

by the offense because of the color, ~~creed~~, **religion**, disability, national origin, **ancestry**, race, religion, ~~or sex~~, sexual orientation, **gender identity, or age** of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

SECTION 16. IC 10-13-3-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 23.5. This chapter is exempt from IC 34-13-9.**

SECTION 17. IC 10-16-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) Adequate provisions shall be made to allow the enlistment and induction of able bodied citizens of each and all racial groups in Indiana into all branches and departments of the Indiana guard reserve organized to defend and enforce the laws of Indiana. To that end, all racial groups in Indiana are entitled to that representation in each branch or department of the Indiana guard reserve in approximate proportion to the group or groups to the population of Indiana. However, this section or any other statute may not be construed so as to allow racial segregation.

(b) Race, ~~or~~ color, **religion, sex, sexual orientation, gender**

1 **identity, national origin, age, disability, or ancestry** may not be a
 2 cause for excluding the application to serve or the service of any person
 3 in any branch of service provided for in this chapter.

4 **(c) This section is exempt from IC 34-13-9."**

5 Page 39, between lines 19 and 20, begin a new paragraph and insert:

6 "SECTION 79. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
 7 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 1. (a) The township trustee shall process all
 9 applications for township assistance according to uniform written
 10 standards and without consideration of the race, ~~creed~~, **religion**,
 11 nationality, **ancestry, sex, sexual orientation, gender identity, age,**
 12 **disability**, or gender of the applicant or any member of the applicant's
 13 household.

14 (b) The township's standards for the issuance of township assistance
 15 and the processing of applications must be:

- 16 (1) governed by the requirements of this article;
- 17 (2) proposed by the township trustee, adopted by the township
 18 board, and filed with the board of county commissioners;
- 19 (3) reviewed and updated annually to reflect changes in the cost
 20 of basic necessities in the township and changes in the law;
- 21 (4) published in a single written document, including addenda
 22 attached to the document; and
- 23 (5) posted in a place prominently visible to the public in all
 24 offices of the township trustee where township assistance
 25 applications are taken or processed.

26 **(c) This section is exempt from IC 34-13-9."**

27 Page 41, between lines 13 and 14, begin a new paragraph and insert:

28 "SECTION 85. IC 12-30-3-14 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) Admission of all
 30 patients and residents to the county home must be on a voluntary basis
 31 and without regard to race, religion, color, sex, **sexual orientation,**
 32 **gender identity**, national origin, **age, disability**, or ancestry.

33 (b) Recipients of old age assistance and blind assistance shall be
 34 admitted to the county home on the same basis and for the same charge
 35 as other patients and residents in the county home. There may be no
 36 discrimination in the care and treatment of patients and residents of the
 37 county home because of the source of the money for the support and
 38 care of the patients and residents.

39 **(c) This section is exempt from IC 34-13-9.**

40 SECTION 86. IC 12-30-7-32 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 32. (a) Discrimination
 42 may not be made in accommodation, care, or treatment of any patient
 43 at a health center established under this chapter because of race, ~~creed~~,
 44 **religion**, national origin, **ancestry, sex, sexual orientation, gender**
 45 **identity, age, disability**, or ability to pay.

46 **(b) This chapter is exempt from IC 34-13-9.**

SECTION 87. IC 12-32-1-4, AS ADDED BY P.L.171-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a)** This chapter shall be enforced without regard to race, religion, gender, **sexual orientation, gender identity, age, ethnicity, or national origin.**

(b) This chapter is exempt from IC 34-13-9.

SECTION 88. IC 16-23-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) The hospital may not discriminate among patients due to the following:

- (1) Race, color, **religion, national origin, ancestry, sexual orientation, gender identity, age, disability, or sex.**
- (2) Occupational, economic, or social status.
- (3) Political or religious belief or the lack of political or religious belief.

(b) The hospital must also be open to all licensed physicians of the county and the patients of licensed physicians on equal terms and under uniform rules.

(c) This section is exempt from IC 34-13-9.

SECTION 89. IC 20-24-2-2, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.
- (8) Sexual orientation.**
- (9) Gender identity.**

(b) This section is exempt from IC 34-13-9.

SECTION 90. IC 20-24.5-3-5, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A student who applies for admission to the academy must:

- (1) be eligible to attend a public school in Indiana;
- (2) demonstrate exceptional intellectual ability; and
- (3) demonstrate a commitment to scholarship.

(b) A student shall be admitted without regard to sex, race, religion, ~~creed,~~ national origin, **ancestry, sexual orientation, gender identity, age, disability,** or household income.

(c) This section is exempt from IC 34-13-9.

SECTION 91. IC 20-25.5-4-1, AS ADDED BY P.L.44-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 1. **(a)** An innovation network school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.
- (8) Sexual orientation.**
- (9) Gender identity.**

(b) This section is exempt from IC 34-13-9.

SECTION 92. IC 20-33-1-1, AS AMENDED BY P.L.3-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** The following is the public policy of the state:

- (1) To provide:
 - (A) equal;
 - (B) nonsegregated; and
 - (C) nondiscriminatory;
 educational opportunities and facilities for all, regardless of race, ~~creed~~, **religion**, national origin, **ancestry**, color, ~~or~~ sex, **gender identity, or sexual orientation.**
- (2) To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, ~~creed~~, color, ~~or~~ **religion**, national origin, **ancestry, sex, gender identity, or sexual orientation.**
- (3) To reaffirm the principles of:
 - (A) the Bill of Rights;
 - (B) civil rights; and
 - (C) the Constitution of the State of Indiana.
- (4) To provide a uniform democratic system of public school education to the state and the citizens of Indiana.
- (5) To:
 - (A) abolish;
 - (B) eliminate; and
 - (C) prohibit;
 segregated and separate schools or school districts on the basis of race, ~~creed~~, ~~or~~ **religion, national origin, ancestry**, color, **sex, gender identity, or sexual orientation.**
- (6) To eliminate and prohibit:
 - (A) segregation;
 - (B) separation; and
 - (C) discrimination;
 on the basis of race, ~~creed~~, ~~or~~ color, **religion, national origin,**

ancestry, sex, gender identity, or sexual orientation in public schools.

(b) This chapter is exempt from IC 34-13-9.

SECTION 93. IC 20-33-1-3, AS AMENDED BY P.L.2-2007, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The governing body of a school corporation and the board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or separate public schools, including any public school departments or divisions, on the basis of race, color, ~~creed~~, **or religion**, national origin, **ancestry, gender identity, or sexual orientation** of pupils or students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause, including:

- (1) site selection; or
- (2) revision of:
 - (A) school districts;
 - (B) curricula; or
 - (C) enrollment policies;

to implement equalization of educational opportunity for all.

(c) A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:

- (1) separating students by ability;
- (2) placing students into educational tracks; or
- (3) using test results to screen students;

have the effect of systematically separating students by race, color, ~~creed~~, **religion**, national origin, **ancestry, sexual orientation, gender identity**, or socioeconomic class.

SECTION 94. IC 20-33-1-4, AS AMENDED BY P.L.2-2007, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A student is entitled to be admitted and enrolled in a public school in the school corporation in which the student resides without regard to race, ~~creed~~, **religion**, color, socioeconomic class, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

(b) A student may not be prohibited, segregated, or denied attendance or enrollment in a public school in the student's school corporation because of the student's race, ~~creed~~, **religion**, color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

(c) Every student is free to attend a public school, including a department or division of a public school within the laws applicable alike to noncitizen and nonresident students.

SECTION 95. IC 20-33-1-5, AS AMENDED BY P.L.2-2007, SECTION 228, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A public school may not segregate, separate, or discriminate against any of its students on the basis of race, ~~creed~~, ~~or religion~~, color, **national origin, ancestry, gender identity, or sexual orientation.**

(b) Admission to a public school may not be approved or denied on the basis of race, ~~creed~~, ~~or religion~~, color, **national origin, ancestry, gender identity, or sexual orientation.**

SECTION 96. IC 20-33-1-6, AS AMENDED BY P.L.2-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. A public school may not discriminate in any way in the hiring, upgrading, tenure, or placement of a teacher on the basis of race, ~~creed~~, **religion**, color, ~~or~~ national origin, **ancestry, sex, gender identity, or sexual orientation.**

SECTION 97. IC 20-42-3-10, AS AMENDED BY P.L.286-2013, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. **(a)** The trustee, with the advice and consent of the township board, shall use the account for the following educational purposes:

(1) Each year the trustee shall pay, to the parent or legal guardian of any child whose residence is within the township, the initial cost for the rental of curricular materials used in any elementary or secondary school that has been accredited by the state. The reimbursement for the rental of curricular materials shall be for the initial yearly rental charge only. Curricular materials subsequently lost or destroyed may not be paid for from this account.

(2) Students who are residents of the township for the last two (2) years of their secondary education and who still reside within the township are entitled to receive financial assistance in an amount not to exceed an amount determined by the trustee and the township board during an annual review of postsecondary education fees and tuition costs of education at any accredited postsecondary educational institution. Amounts to be paid to each eligible student shall be set annually after this review. The amount paid each year must be:

(A) equitable for every eligible student without regard to race, religion, ~~creed~~, sex, disability, **sexual orientation, gender identity, ancestry, age**, or national origin; and

(B) based on the number of students and the amount of funds available each year.

(3) A person who has been a permanent resident of the township continuously for at least two (2) years and who needs educational assistance for job training or retraining may apply to the trustee of the township for financial assistance. The trustee and the township board shall review each application and make assistance available according to the need of each applicant and the

availability of funds.

(4) If all the available funds are not used in any one (1) year, the unused funds shall be retained in the account by the trustee for use in succeeding years.

(b) This section is exempt from IC 34-13-9.

SECTION 98. IC 21-18.5-4-2, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** The commission shall exercise its functions under this chapter without regard to an applicant's race, creed, sex, color, national origin, **sexual orientation, gender identity**, or ancestry.

(b) This chapter is exempt from IC 34-13-9.

SECTION 99. IC 21-40-2-1, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** The following is the public policy of the state:

(1) To provide:

(A) equal;

(B) nonsegregated; and

(C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, ~~creed, religion~~, national origin, **ancestry**, color, ~~or sex~~, **gender identity, or sexual orientation**.

(2) To provide and furnish state educational institutions open equally to all, and prohibited and denied to none because of race, ~~creed, religion~~, color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

(3) To reaffirm the principles of:

(A) the Bill of Rights;

(B) civil rights; and

(C) the Constitution of the State of Indiana.

(4) To provide a uniform democratic system of public education to the state and the citizens of Indiana.

(5) To:

(A) abolish;

(B) eliminate; and

(C) prohibit;

segregated and separate departments or divisions of a state educational institution on the basis of race, ~~creed, or religion~~, color, **national origin, ancestry, gender identity, or sexual orientation**.

(6) To eliminate and prohibit:

(A) segregation;

(B) separation; and

(C) discrimination;

on the basis of race, color, ~~or creed religion~~, **national origin, ancestry, gender identity, or sexual orientation** in state

educational institutions.

(b) This chapter is exempt from IC 34-13-9.

SECTION 100. IC 21-40-2-4, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or separate state educational institutions on the basis of race, color, ~~creed~~, ~~or religion~~, national origin, **ancestry, gender identity, or sexual orientation** of students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in state educational institutions for whatever cause, including:

- (1) site selection; or
- (2) revision of:
 - (A) districts;
 - (B) curricula; or
 - (C) enrollment policies;

to implement equalization of educational opportunity for all.

SECTION 101. IC 21-40-2-5, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A student may not be prohibited, segregated, or denied attendance or enrollment to a state educational institution because of the student's race, ~~creed~~, **religion**, color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

(b) Every student is free to attend a state educational institution within the laws applicable alike to noncitizen and nonresident students.

SECTION 102. IC 21-40-2-6, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A state educational institution may not segregate, separate, or discriminate against any of its students on the basis of race, ~~creed~~, ~~or religion~~, color, **ancestry, gender identity, or sexual orientation**.

(b) Admission to a state educational institution may not be approved or denied on the basis of race, ~~creed~~, ~~or religion~~, color, **ancestry, gender identity, or sexual orientation**.

SECTION 103. IC 21-40-2-7, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A state educational institution may not discriminate in any way in the hiring, upgrading, tenure, or placement of any teacher on the basis of **age, disability**, race, ~~creed~~, **religion**, color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

SECTION 104. IC 22-9-1-2, AS AMENDED BY P.L.136-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 2. (a) It is the public policy of the state to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property, including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, **sexual orientation, gender identity, age**, or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(b) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, disability, national origin, **sexual orientation, gender identity, age**, or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this state and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, **sexual orientation, gender identity, age**, disability, national origin, or ancestry through reasonable methods is the purpose of this chapter.

(c) It is also the public policy of this state to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(d) It is hereby declared to be contrary to the public policy of the state and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, **sexual orientation, gender identity, age**, or ancestry.

(e) The general assembly recognizes that on February 16, 1972, there are institutions of learning in Indiana presently and traditionally following the practice of limiting admission of students to males or to females. It is further recognized that it would be unreasonable to impose upon these institutions the expense of remodeling facilities to accommodate students of both sexes, and that educational facilities of similar quality and type are available in coeducational institutions for those students desiring such facilities. It is further recognized that this chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) It is against the public policy of the state and a discriminatory

1 practice for an employer to discriminate against a prospective
2 employee on the basis of status as a veteran by:

3 (1) refusing to employ an applicant for employment on the basis
4 that the applicant is a veteran of the armed forces of the United
5 States; or

6 (2) refusing to employ an applicant for employment on the basis
7 that the applicant is a member of the Indiana National Guard or
8 member of a reserve component.

9 (g) This chapter shall be construed broadly to effectuate its purpose.

10 **(h) This article is exempt from IC 34-13-9.**

11 SECTION 105. IC 22-9-1-3, AS AMENDED BY P.L.136-2014,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2015]: Sec. 3. As used in this chapter:

14 (a) "Person" means one (1) or more individuals, partnerships,
15 associations, organizations, limited liability companies, corporations,
16 labor organizations, cooperatives, legal representatives, trustees,
17 trustees in bankruptcy, receivers, and other organized groups of
18 persons.

19 (b) "Commission" means the civil rights commission created under
20 section 4 of this chapter.

21 (c) "Director" means the director of the civil rights commission.

22 (d) "Deputy director" means the deputy director of the civil rights
23 commission.

24 (e) "Commission attorney" means the deputy attorney general, such
25 assistants of the attorney general as may be assigned to the
26 commission, or such other attorney as may be engaged by the
27 commission.

28 (f) "Consent agreement" means a formal agreement entered into in
29 lieu of adjudication.

30 (g) "Affirmative action" means those acts that the commission
31 determines necessary to assure compliance with the Indiana civil rights
32 law.

33 (h) "Employer" means the state or any political or civil subdivision
34 thereof and any person employing six (6) or more persons within the
35 state, except that the term "employer" does not include:

36 (1) any nonprofit corporation or association organized exclusively
37 for fraternal or religious purposes;

38 (2) any school, educational, or charitable religious institution
39 owned or conducted by or affiliated with a church or religious
40 institution; or

41 (3) any exclusively social club, corporation, or association that is
42 not organized for profit.

43 (i) "Employee" means any person employed by another for wages or
44 salary. However, the term does not include any individual employed:

45 (1) by the individual's parents, spouse, or child; or

46 (2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, **sexual orientation, gender identity,**

age, disability, national origin, **or** ancestry or status as a veteran;

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, **sexual orientation, gender identity, age,** disability, national origin, **or** ancestry or status as a veteran;

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, **sexual orientation, gender identity, age,** disability, national origin, or ancestry; or

(4) a violation of IC 22-9-5 that ~~occurs after July 25, 1992,~~ and is committed by a covered entity (as defined in IC 22-9-5-4).

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

(1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or

(2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

(1) sufficiently complete and filed by a complainant with the commission; or

(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

- (1) the full name and address of the complainant;
- (2) the name and address of the respondent against whom the complaint is made;
- (3) the alleged discriminatory practice and a statement of particulars thereof;
- (4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and
- (5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

- (1) it shall not be a discriminatory practice to maintain separate restrooms;
- (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and
- (3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

(s) "Veteran" means:

- (1) a veteran of the armed forces of the United States;
- (2) a member of the Indiana National Guard; or
- (3) a member of a reserve component.

SECTION 106. IC 22-9-1-6, AS AMENDED BY P.L.136-2014,

SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The commission shall establish and maintain a permanent office in the city of Indianapolis.

(b) Except as it concerns judicial review, the commission may adopt rules under IC 4-22-2 to implement this chapter.

(c) The commission shall formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or local subdivisions thereof to effectuate such policies. The several departments, commissions, divisions, authorities, boards, bureaus, agencies, and officers of the state or any political subdivision or agency thereof shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any matter before the commission.

(d) The commission shall receive and investigate complaints alleging discriminatory practices. The commission shall not hold hearings in the absence of a complaint. All investigations of complaints shall be conducted by staff members of the civil rights commission or their agents.

(e) The commission may create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these agencies and councils to:

(1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, ~~handicap~~, **sexual orientation, gender identity, disability, age**, national origin, or ancestry; and

(2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

These agencies and councils may make ~~recommendation~~ **recommendations** to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.

(f) The commission may issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, ~~handicap~~, **sexual orientation, gender identity, disability, age**, national origin, or ancestry.

(g) The commission shall prevent any person from discharging, expelling, or otherwise discriminating against any other person because the person filed a complaint, testified in any hearing before this commission, or in any way assisted the commission in any matter under its investigation.

(h) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person

under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(i) The commission may appoint administrative law judges other than commissioners, when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be members in good standing before the bar of Indiana and shall be appointed by the chairman of the commission. An administrative law judge appointed under this subsection shall have the same powers and duties as a commissioner sitting as an administrative law judge. However, the administrative law judge may not issue subpoenas.

(j) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

(1) to restore complainant's losses incurred as a result of discriminatory treatment, as the commission may deem necessary to assure justice; however, except in discriminatory practices involving veterans, this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;

(2) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and respondent's compliance with the policy in places of public accommodations;

(3) to require proof of compliance to be filed by respondent at periodic intervals; and

(4) to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why the person's license should not be revoked or suspended.

When an employer has been found to have committed a discriminatory practice in employment by failing to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

(k) Judicial review of a cease and desist order or other affirmative

1 action as referred to in this chapter may be obtained under IC 22-9-8.
 2 If no proceeding to obtain judicial review is instituted within thirty (30)
 3 days from receipt of notice by a person that an order has been made by
 4 the commission, the commission, if it determines that the person upon
 5 whom the cease and desist order has been served is not complying or
 6 is making no effort to comply, may obtain a decree of a court for the
 7 enforcement of the order in circuit or superior court upon showing that
 8 the person is subject to the commission's jurisdiction and resides or
 9 transacts business within the county in which the petition for
 10 enforcement is brought.

11 (l) If, upon all the evidence, the commission shall find that a person
 12 has not engaged in any unlawful practice or violation of this chapter,
 13 the commission shall state its findings of facts and shall issue and
 14 cause to be served on the complainant an order dismissing the
 15 complaint as to the person.

16 (m) The commission may furnish technical assistance requested by
 17 persons subject to this chapter to further compliance with this chapter
 18 or with an order issued thereunder.

19 (n) The commission shall promote the creation of local civil rights
 20 agencies to cooperate with individuals, neighborhood associations, and
 21 state, local, and other agencies, both public and private, including
 22 agencies of the federal government and of other states.

23 (o) The commission may reduce the terms of conciliation agreed to
 24 by the parties to writing (to be called a consent agreement) that the
 25 parties and a majority of the commissioners shall sign. When signed,
 26 the consent agreement shall have the same effect as a cease and desist
 27 order issued under subsection (j). If the commission determines that a
 28 party to the consent agreement is not complying with it, the
 29 commission may obtain enforcement of the consent agreement in a
 30 circuit or superior court upon showing that the party is not complying
 31 with the consent agreement and the party is subject to the commission's
 32 jurisdiction and resides or transacts business within the county in
 33 which the petition for enforcement is brought.

34 (p) In lieu of investigating a complaint and holding a hearing under
 35 this section, the commission may issue an order based on findings and
 36 determinations by the federal Department of Housing and Urban
 37 Development or the federal Equal Employment Opportunity
 38 Commission concerning a complaint that has been filed with one (1) of
 39 these federal agencies and with the commission. The commission shall
 40 adopt by rule standards under which the commission may issue such an
 41 order.

42 (q) Upon notice that a complaint is the subject of an action in a
 43 federal court, the commission shall immediately cease investigation of
 44 the complaint and may not conduct hearings or issue findings of fact or
 45 orders concerning that complaint.

46 SECTION 107. IC 22-9-1-10 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. Every contract to which the state or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and ~~his~~ **the contractor's** subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, with respect to ~~his~~ **the employee's or applicant's** hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of ~~his~~ **the employee's or applicant's** race, religion, color, sex, **sexual orientation, gender identity, age,** disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

SECTION 108. IC 22-9-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. In addition to its power to investigate the discriminatory practices referred to in this chapter, the commission may receive written complaints of violation of this chapter or other discriminatory practices based upon race, religion, color, sex, **sexual orientation, gender identity, age, disability,** national origin, or ancestry and ~~to~~ investigate such complaints as it deems meritorious, or ~~to~~ conduct such investigation in the absence of complaints whenever it deems it in the public interest. It may transmit to the general assembly its recommendations for legislation designed to aid in the removing of such discrimination.

SECTION 109. IC 22-9-2-11, AS AMENDED BY P.L.166-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Nothing contained herein shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of age, race, ~~or~~ color, religion, **sex, sexual orientation, gender identity, disability,** or country of ancestral origin. Nothing herein shall be deemed to limit, restrict or affect the freedom of any employer in regard to:

- ~~(a)~~ **(1)** fixing compulsory retirement requirements for any class of employees at an age or ages less than seventy-five (75) years;
- ~~(b)~~ **(2)** fixing eligibility requirements for participation in, or enjoyment by employees of, benefits under any annuity plan or pension or retirement plan on the basis that any employee may be excluded from eligibility therefor who, at the time he would otherwise become eligible for such benefits, is older than the age fixed in such eligibility requirements; or
- ~~(c)~~ **(3)** keeping age records for any such purposes.

SECTION 110. IC 22-9.5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** The purposes of this article are the following:

- (1) To provide for fair housing practices in Indiana.
- (2) To create a procedure for investigating and settling complaints of discriminatory housing practices.

(3) To provide rights and remedies substantially equivalent to those granted under federal law.

(b) This article is exempt from IC 34-13-9.

SECTION 111. IC 22-9.5-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, **sexual orientation**, disability, familial status, **age**, **ancestry**, **gender identity**, or national origin.

SECTION 112. IC 22-9.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, **sexual orientation**, **gender identity**, familial status, disability, **age**, **ancestry**, or national origin.

(b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, **sexual orientation**, **gender identity**, familial status, disability, **age**, **ancestry**, or national origin.

(c) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

SECTION 113. IC 22-9.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, **sexual orientation**, **gender identity**, **age**, disability, familial status, **ancestry**, or national origin, or an intention to make such a preference, limitation, or discrimination.

SECTION 114. IC 22-9.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. A person may not represent to any person because of race, color, religion, sex, **sexual orientation**, **gender identity**, **age**, disability, familial status, **ancestry**, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

SECTION 115. IC 22-9.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, **sexual orientation**, **gender identity**, **age**, disability, familial status, **ancestry**, or national origin.

1 SECTION 116. IC 22-9.5-5-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this
 3 section, "residential real estate related transaction" means the
 4 following:

5 (1) Making or purchasing loans or providing other financial
 6 assistance:

7 (A) to purchase, construct, improve, repair, or maintain a
 8 dwelling; or

9 (B) to secure residential real estate.

10 (2) Selling, brokering, or appraising residential real property.

11 (b) A person whose business includes engaging in residential real
 12 estate related transactions may not discriminate against a person in
 13 making a real estate related transaction available or in the terms or
 14 conditions of a real estate related transaction because of race, color,
 15 religion, sex, **sexual orientation, gender identity, age**, disability,
 16 familial status, **ancestry**, or national origin.

17 SECTION 117. IC 22-9.5-5-7 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A person may not
 19 deny any person access to, or membership or participation in, a
 20 multiple-listing service, real estate brokers' organization, or other
 21 service, organization, or facility relating to the business of selling or
 22 renting dwellings, or discriminate against a person in the terms or
 23 conditions of access, membership, or participation in such an
 24 organization, service, or facility because of race, color, religion, sex,
 25 **sexual orientation, gender identity, age**, disability, familial status,
 26 **ancestry**, or national origin.

27 SECTION 118. IC 22-9.5-10-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person commits
 29 a Class A misdemeanor if the person, whether or not acting under color
 30 of law, by force or threat of force intentionally intimidates or interferes
 31 with or attempts to intimidate or interfere with a person:

32 (1) because of the person's race, color, religion, sex, **sexual**
 33 **orientation, gender identity, age**, disability, familial status,
 34 **ancestry**, or national origin and because the person is or has been
 35 selling, purchasing, renting, financing, occupying, or contracting
 36 or negotiating for the sale, purchase, rental, financing, or
 37 occupation of any dwelling, or applying for or participating in a
 38 service, organization, or facility relating to the business of selling
 39 or renting dwellings; or

40 (2) because the person is or has been, or to intimidate the person
 41 from:

42 (A) participating, without discrimination because of race,
 43 color, religion, sex, **sexual orientation, gender identity**,
 44 disability, familial status, **age, ancestry**, or national origin, in
 45 an activity, a service, an organization, or a facility described in
 46 subdivision (1);

(B) affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (1); or

(C) lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, **age, ancestry**, or national origin, in an activity, a service, an organization, or a facility described in subdivision (1).

SECTION 119. IC 24-9-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) It is unlawful for a creditor to discriminate against any applicant with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, **sexual orientation, gender identity**, or age, if the applicant has the ability to contract.

(b) This section is exempt from IC 34-13-9."

Page 43, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 122. IC 27-2-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) An insurance company that issues property or casualty insurance shall not discriminate in the appointment of an independent insurance producer on the basis of race, color, national origin, **ancestry, sexual orientation, gender identity, age, disability**, or gender.

(b) Except as provided in subsection (c), the department has exclusive jurisdiction to investigate any complaints of discrimination in the appointment of independent insurance producers in violation of subsection (a).

(c) If the commissioner of the department determines after a hearing that an insurance company has violated subsection (a), the commissioner may order one (1) of the following remedies:

(1) Payment of a civil penalty of not more than two thousand dollars (\$2,000) for each violation.

(2) Suspension or revocation of the insurance company's certificate of authority if the commissioner determines that the violation was willful or wanton and that similar violations have been committed by that company with a frequency that constitutes a general business practice.

(3) Any other remedy agreed to by the department and the insurance company.

(d) Any determination made by the commissioner under this section is subject to IC 4-21.5.

(e) Findings of the department under this section may not be considered as evidence in any civil action other than an appeal as provided under IC 4-21.5.

(f) This section is exempt from IC 34-13-9.

SECTION 123. IC 27-2-21-16, AS AMENDED BY P.L.84-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 16. (a) An insurer that uses credit information to underwrite or rate risks shall not do the following:

(1) Use an insurance score that is calculated using income, gender, address, ZIP code, ethnic group, religion, marital status, **sexual orientation, gender identity, ancestry, age, disability,** or nationality of the consumer as a factor.

(2) Deny, cancel, or decline to renew a personal insurance policy solely on the basis of credit information.

(3) Base an insured's renewal rate for a personal insurance policy solely on credit information.

(4) Take an adverse action against a consumer solely because the consumer does not have a credit card account.

(5) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a personal insurance policy, unless the insurer does one (1) of the following:

(A) Presents to the commissioner information that the absence or inability relates to the risk for the insurer and treats the consumer as approved by the commissioner.

(B) Treats the consumer as if the consumer had neutral credit information, as defined by the insurer.

(6) Take an adverse action against a consumer based on credit information unless the insurer obtains and uses:

(A) a credit report issued; or

(B) an insurance score calculated;

not more than ninety (90) days before the date the personal insurance policy is first written or the renewal is issued.

(7) Use the following as a negative factor in an insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a personal insurance policy:

(A) A credit inquiry:

(i) not initiated by the consumer; or

(ii) requested by the consumer for the consumer's own credit information.

(B) A credit inquiry relating to insurance coverage.

(C) A late payment or a collection account with a medical industry code on the consumer's credit report.

(D) Multiple lender inquiries:

(i) coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry; and

(ii) made within thirty (30) days of one another.

(E) Multiple lender inquiries:

(i) coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry; and

(ii) made within thirty (30) days of one another.

(b) An insurer that uses credit information to underwrite or rate risks shall, at annual renewal upon the request of an insured or an insured's agent, re-underwrite and re-rate the insured's personal insurance policy based on a current credit report or insurance score unless one (1) of the following applies:

(1) The insurer's treatment of the consumer is otherwise approved by the commissioner.

(2) The insured is in the most favorably priced tier of the insurer, within a group of affiliated insurers.

(3) Credit information was not used for underwriting or rating the insured when the personal insurance policy was initially written.

(4) The insurer reevaluates the insured at least every thirty-six (36) months after a personal insurance policy is issued based on underwriting or rating factors other than credit information.

(5) The insurer has re-underwritten and re-rated the insured's personal insurance policy based on a credit report obtained or an insurance score recalculated less than twelve (12) months before the date of the request by the insured or the insured's agent.

(c) An insurer that uses credit information to underwrite or rate risks may obtain current credit information upon the renewal of a personal insurance policy when renewal occurs more frequently than every thirty-six (36) months if consistent with the insurer's underwriting guidelines.

(d) This section is exempt from IC 34-13-9.

SECTION 124. IC 27-7-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** Termination of property insurance coverage by an insurer is prohibited if the termination is based on any of the following:

(1) Upon the race, religion, nationality, **ancestry**, ethnic group, age, sex, **sexual orientation**, **gender identity**, **disability**, or marital status of the applicant or named insured.

(2) Solely upon the lawful occupation or profession of the applicant or named insured. However, this subdivision does not apply to an insurer that limits its market to one (1) lawful occupation or profession or to several related lawful occupations or professions.

(3) Upon the age or location of the residence of the applicant or named insured, unless that decision is for a business purpose that is not a mere pretext for a decision based on factors prohibited in this chapter or any other provision of this title.

(4) Upon the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured.

(5) Upon the fact that the applicant or named insured previously obtained insurance coverage through a residual market insurance mechanism.

(b) This section is exempt from IC 34-13-9.

SECTION 125. IC 33-28-5-18, AS AMENDED BY P.L.157-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) The supervising judge or the jury administrator shall determine whether a prospective juror is qualified to serve or, if disabled but otherwise qualified, whether the prospective juror could serve with reasonable accommodation. A person who is not eligible for jury service may not serve. The facts supporting juror disqualification or exemption must be recorded under oath or affirmation. A disqualification or exemption is not authorized unless supported by the facts. The jury administrator shall make a record of all disqualifications.

(b) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:

(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(5) The person has had the right to vote revoked by reason of a felony conviction and the right has not been restored.

(c) A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury administrator:

- (A) by telephone;
- (B) by electronic mail;
- (C) in writing; or
- (D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

- (A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and

- 1 (B) a date when the court will be in session.
- 2 (4) The court determines that the prospective juror has
- 3 demonstrated that a deferral is necessary due to:
- 4 (A) hardship;
- 5 (B) extreme inconvenience; or
- 6 (C) necessity.
- 7 (d) A prospective juror who is at least seventy-five (75) years of age
- 8 may be exempted from jury service if the prospective juror notifies the
- 9 jury administrator that the prospective juror is at least seventy-five (75)
- 10 years of age and wishes to be exempted from jury service.
- 11 (e) A person may not serve as a petit juror in any county if the
- 12 person served as a petit juror in the same county within the previous
- 13 three hundred sixty-five (365) days in a case that resulted in a verdict.
- 14 The fact that a person's selection as a juror would violate this
- 15 subsection is sufficient cause for challenge.
- 16 (f) A grand jury, a petit jury, or an individual juror drawn for service
- 17 in one (1) court may serve in another court of the county, in accordance
- 18 with orders entered on the record in each of the courts.
- 19 (g) The same petit jurors may be used in civil cases and in criminal
- 20 cases.
- 21 (h) A person may not be excluded from jury service on account of
- 22 race, color, religion, sex, national origin, **sexual orientation, gender**
- 23 **identity, ancestry, age, disability,** or economic status.
- 24 **(i) This section is exempt from IC 34-13-9.**
- 25 SECTION 126. IC 33-41-1-2 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person may not
- 27 be considered ineligible to serve as official reporter because of the
- 28 person's gender, **race, religion, sexual orientation, gender identity,**
- 29 **national origin, age, disability, or ancestry.**
- 30 (b) A judge may not appoint the judge's son or daughter as an
- 31 official reporter.
- 32 **(c) This section is exempt from IC 34-13-9."**
- 33 Page 43, between lines 18 and 19, begin a new paragraph and insert:
- 34 "SECTION 128. IC 35-46-2-1 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** A person who
- 36 knowingly or intentionally denies to another person, because of color,
- 37 ~~creed~~, disability, national origin, **ancestry,** race, religion, ~~or~~ sex, **sexual**
- 38 **orientation, gender identity, or age,** the full and equal use of the
- 39 services, facilities, or goods in:
- 40 (1) an establishment that caters or offers its services, facilities, or
- 41 goods to the general public; or
- 42 (2) a housing project owned or subsidized by a governmental
- 43 entity;
- 44 commits a civil rights violation, a Class B misdemeanor.
- 45 **(b) This section is exempt from IC 34-13-9.**
- 46 SECTION 129. IC 35-46-2-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** A public servant
 2 having the duty to select or summon persons for grand jury or trial jury
 3 service who knowingly or intentionally fails to select or summon a
 4 person because of color, ~~creed~~, disability, national origin, **ancestry**,
 5 race, religion, **sexual orientation, gender identity, age**, or sex
 6 commits discrimination in jury selection, a Class A misdemeanor.

7 **(b) This section is exempt from IC 34-13-9."**

8 Page 44, between lines 15 and 16, begin a new paragraph and insert:

9 "SECTION 131. IC 36-9-4-37 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 37. (a) The board of
 11 directors of a public transportation corporation may appoint or employ
 12 a general manager, accountants, attorneys, traffic engineers, drivers,
 13 clerks, secretaries, guards, laborers, and other employees, and may
 14 prescribe and define their duties, regulate their compensation,
 15 discharge them, and appoint or employ their successors. Employees
 16 shall be selected without regard to race, religion, **sexual orientation**,
 17 **gender identity, ancestry, national origin, age, disability**, or any
 18 personal affiliation. The board shall select the general manager on the
 19 basis of ~~his~~ **the individual's** fitness for the position, taking into account
 20 **his the individual's** executive ability and ~~his~~ knowledge of and
 21 experience in the field of mass public transportation.

22 (b) The board shall bargain collectively and enter into written
 23 contracts with authorized labor organizations representing employees
 24 other than executive, administrative, or professional personnel. These
 25 contracts may provide for the binding arbitration of disputes, wages,
 26 salaries, hours, working conditions, health and welfare, insurance,
 27 vacations, holidays, sick leave, seniority, pensions, retirement, and
 28 other benefits.

29 **(c) This section is exempt from IC 34-13-9.**

30 SECTION 132. [EFFECTIVE JULY 1, 2015] **(a) IC 35-46-2-1 and**
 31 **IC 35-46-2-2, both as amended by this act, apply only to crimes**
 32 **committed after June 30, 2015.**

33 **(b) This SECTION expires January 1, 2017."**

34 Re-number all SECTIONS consecutively.

(Reference is to ESB 465 as printed April 10, 2015.)

Representative DeLaney